

REMARKS/ARGUMENTS

Reconsideration of this application and entry of the foregoing amendments are respectfully requested.

Claims 77, 79, 84, 89 and 100 have been revised to define the invention with additional clarity. Non-elected claims 44-53, 65-76, 80-83, 85-88, 92, 94, 96 and 97 have been cancelled without prejudice. That claims have been amended/cancelled should not be taken as an indication that Applicants agree with any position taken by the Examiner. Rather, the revisions have been made to advance prosecution and Applicants reserve the right to pursue any deleted subject matter in a continuation application. The claims as presented are fully supported by an enabling disclosure.

Claim 100 stands rejected under 35 USC 112, first paragraph, as allegedly lacking written description. Withdrawal of the rejection is submitted to be in order in view of the above-noted revision of the claim which is believed to be entirely consistent with the description provided in the paragraph 9 and 10, with particular attention being directed to page 10, line 13.. Reconsideration is requested.

Claims 77, 78, 89-91 and 98-100 stand rejected under 35 USC 112, second paragraph, as allegedly being indefinite. Withdrawal of the rejection is submitted to be in order in view of the above-noted revision of claims 77, 89 and 100 and further in view of the comments that follow.

Claims 77 and 89 have been revised to make it additionally clear that the area of the subject to be treated is an area infected with *Candida albicans*, *E. coli*, *P. aeruginosa*, *S. aureus* or methicillin resistant *S. aureus*. The compound of Formula I is administered to the infected area either by systemic administration of the compound to the subject or by local administration

BROWN et al
Appl. No. 10/723,420
May 17, 2007

to the infected area. The compound of Formula I is activated by exposing the infected area to light. Treatment of the infection is thereby effected. It is submitted that the claims as presented makes the therapeutic objective abundantly clear and reconsideration is requested.

Claims 79 and 84 stand rejected under 35 USC 112, second paragraph, as allegedly being indefinite. Withdrawal of the rejection is submitted to be in order in view of the above-noted claim revisions and comments that follow.

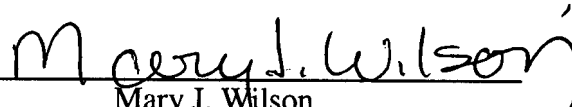
Claims 79 and 84 have been revised to delete the reference to "removing". This revision is believed to address the Examiner's concerns. Accordingly, reconsideration is requested.

This application is submitted to be in condition for allowance and a Notice to that effect is requested. If the Examiner finds that any issues remain outstanding, she is urged to contact the undersigned by phone so that they can be resolved.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


Mary J. Wilson
Reg. No. 32,955

MJW:tat
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100